

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

CARL H. PLUMB, *pro se*,

Plaintiff,

Case No: 2:11-cv-03090-RMP

v.

BARCLAYS BANK DELAWARE;
FIRSTSOURCE ADVANTAGE, LLC;
COLLECTCORP CORPORATION;
PLAZA ASSOCIATES aka AID
ASSOCIATES, INC.; FINANCIAL
RECOVERY SERVICES, INC.;
PHILLIPS & COHEN ASSOCIATES,
LTD.,

Defendants.

AFFIDAVIT OF BRIAN BOWERS

Brian Bowers, being first duly sworn upon oath, deposes and states:

1. I am an authorized representative of Financial Recovery Services, Inc. ("FRS") and am authorized to make this affidavit. FRS is in the business of debt collection.
2. I am familiar with the account at issue in this matter, a Barclays Bank ("Barclays") account ("Account") of Mr. Plumb ("Plaintiff"), that was placed with FRS for collections.
3. I am a custodian of records for FRS.

4. Attached as Exhibit A is a true and correct copy of the credit application provided by Barclays (redacted to protect personal information and identifiers).

5. Attached as Exhibit B a true and correct copy of FRS' collection notes (redacted to protect personal information and identifiers).

6. On March 1, 2011, Plaintiff's Account was placed with FRS for collections. FRS relied upon the information provided by Barclays in regard to the debt, including the amount of the debt.

7. As part of its regular course of business, FRS uses Collection Resource System ("CRS"), which is computerized collection software, produced by CR Software, Inc.

8. CRS also acts as an electronic filing system for each collection account, recording all collection activities, including which notices are sent to whom and the date of the notices. Each entry is entered contemporaneously to the corresponding action.

9. On or about March 2, 2011, an initial collection letter was sent to Plaintiff, as indicated in FRS' notes as "03/02/11 08:30 SN/A".

10. On March 8, 2011, at 6:19 p.m., FRS called Plaintiff at his 4304 number, but there was no answer and no message was left.

11. As there was no answer, FRS then called Plaintiff at ***-***-0834 (“0834 number”) at 6:20 p.m. and left a message for Plaintiff.

12. On March 9, 2011, FRS called both of Plaintiff’s numbers at 5:13 p.m., but there was no answer either time and no messages were left.

13. On March 10, 2011, at 2:42 p.m., FRS called the 4304 number and left a message.

14. On March 15, 2011, at 11:02 a.m., FRS called the 4304 number and left a message identical to the message left on March 10, 2011. Later that day at 8:26 and 8:28 p.m., FRS called the 4304 number and 0834 numbers, respectively, only leaving a message during the 8:28 p.m. call.

15. On March 16, 2011, at 1:14 p.m., FRS called the 4304 number, but did not leave a message. A minute later, at 1:15 p.m., FRS called the 0834 number.

16. Despite the fact that FRS had closed its file, FRS received two phone calls originating from the 4304 number, from a woman asking where service of process for FRS could be sent on July 15, 2011. Upon information, the woman who called was Georgia Plumb. At no time did FRS communicate debt information to the caller because the caller refused to identify the debtor on whose behalf she was calling. In fact, the caller claimed to be calling on behalf of Samuel Adams.

17. All calls to the 0834 number were manually dialed; they were not dialed using any automated dialing system. As indicated in its notes, calls to Plaintiff's 0834 number were made by collectors with initials of CAA, BAA, and BHJ.

18. FRS possesses recordings of various telephone recordings left on Plaintiff's voice mail.

19. FRS maintains procedures regarding messages left for consumers, which require that (1) the collector identify that he/she is calling from Financial Recovery Services, Inc., (2) the collector advise that FRS is a debt collection company and that the call is an attempt to collect a debt, and (3) the collector provide the debtor with a number with which to call the collector.

20. In this instance, a message to Plaintiff, and Plaintiff's outgoing recording, provided as follows. Moreover, each message left for Plaintiff followed the same script.

Your call has been forwarded to an automated voice message system. 5099100834 is not available. At the tone, please record your message. When you are finished recording, you may hang up or press 1 for more options. To leave a call back number, press 5:

Hello, this confidential and important message is meant solely for Carl Plumb. Um, if you are not Carl Plumb, do not listen to this message. Um, Mr. Plumb, this is Bradley with Financial Recovery Services, Incorporated a debt collection company. This is an attempt to collect a debt, any information obtained will be used for that purpose. ah, Carl, I have a file here at my office that I'd like to discuss with you.....Please do get back to me at 866-418-9057 at extension 3237 and when calling back I'm going need you to refer to your ID code, which is DCN228. Thank you very much, Mr. Plumb.

21. While FRS does have recordings of messages left for Plaintiff, FRS never spoke with and therefore never recorded any conversations with Plaintiff.

22. FRS placed a total of ten phone calls to Plaintiff.

23. On or about March 28, 2011, FRS received a letter from Plaintiff, disputing the debt and requesting that FRS cease further contact with plaintiff.

24. Upon receipt of Plaintiff's dispute letter, FRS closed its file and returned the Account to Barclays.

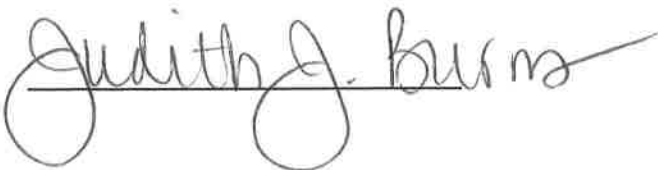
25. No further efforts were made by FRS to collect the debt from Plaintiff and no phone calls were made by FRS after March 16, 2011.

26. FRS does not furnish information to any consumer reporting agencies and did not furnish any information regarding Plaintiff to any consumer reporting agency.

FURTHER YOUR AFFIANT SAYETH NOT.


Brian Bowers

Subscribed and sworn to before me
this 2nd day of December, 2011.





Application # 13710039

EXHIBIT A



App ID #	App Date	App Type	Channel	Partner Name	Status
13710039	20071018	08	03	JUNIPER MM	A
Call Recvd From	Session ID			IP Address	
HXHdV2dPgNlqSZDkTTvRmnyTT238lpkss3N5s1QKWTTzDr8Wwv811088077411192724317155					

Prefix	First Name	Middle	Last Name	Suffix	D.O.B.	Mother Maiden Name
	CARL	H	PLUMB			

Address	Address 2	City	ST	Zip Code
			WA	

Email Address	Home Phone #	Own/Rent	Monthly Mrtg/Rnt Pymnt	Credit Limit
	4304	O	\$0.00	\$5,500.00

App Recvd Time (EST)	Yearly Income	Employer Name	Work Phone #
10/18/2007 4:29:55 PM			4334

Auth User First Name	AU Middle	Auth User Last Name	AU Suffix
Georgia	A	PLUMB	

BT1 Account #	BT2 Account#	BT3 Account#
Amount 1	Amount 2	Amount 3
Amnt Approved 1	Amnt Approved 2	Amnt Approved 3

Exhibit B

FACT SHEET

CRS #: DCN228
 Name: PLUMB, CARL H
 Address: [REDACTED]
 City/State: [REDACTED]
 Home Phone: (000) 000-0000
 Work Phone: (000) 000-0000
 Soc Sec No: [REDACTED]
 Employer:

Client #: BAR004
 BARCLAYS BANK DELAWARE
 Acct #: [REDACTED] 9883
 Regarding: JUNIPER
 Amt Referred: 7082.83
 Current Bal: 7082.83
 Comm Rate: [REDACTED]
 Costs: 0.00
 Ck Chg/Fee: 0.00
 Other 0.00
 Interest Rate: 0.000000%
 Interest Amt: 0.00
 Date Received: 03/01/11
 ***** RETURNED *****

Status: 50 LEGAL ACCT
 Coll Unit: LAW POTENTIAL LAWSUITS
 Date Last: 05/20/09
 Activity Code: NU NOT USED
 D.O.B 01/19/44
 Field 2 REL ID: 1860066
 Field 3 REL TYPE: PRIM
 Field 4

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-----PAYMENTS-----TRANSACTIONS-----
--Date--      Amount      Code      Rate      --DATE--      TIME      AC/RC      ---COMMENT--- ID
03/01/11      0.00      97
03/01/11 22:59 TU/NI      SYS
03/01/11 22:59 CS/10      SYS
03/01/11 23:01 CC/CC      BJB
ACTIVITY - T2 - CBR15669499
03/02/11 08:30 SN/A      -CB
03/03/11 17:45 CC/CC      SYS
03/08/11 18:19 TR/NA      SYS
[REDACTED] 4304 IFBAR
03/08/11 18:20 TE/LD      CAA
03/09/11 17:13 TR/NA      SYS
[REDACTED] 4304 IFBAR
03/09/11 17:13 TE/NA      BHJ
03/10/11 14:42 TR/OI      ZZZ
[REDACTED] 4304 MSG410
03/15/11 11:02 TR/OI      ZZZ
[REDACTED] 4304 MSG410
03/15/11 20:26 TR/HU      BAA
03/15/11 20:28 FD/NI      BAA
03/15/11 20:28 TE/LD      BAA
03/16/11 13:14 TR/HU      BAA
03/16/11 13:15 TE/LD      BAA
03/28/11 17:01 RL/GI      BJB
RCVD CERTIFIED LETTER DISPUTING
DEBT AND CEASING FURTHER CONTACT
03/28/11 17:02 CC/CC      BJB
STRATEGY-800-24-04-03-1
03/28/11 17:02 CS/79      BJB
03/28/11 17:02 CC/CC HP-[REDACTED] 4304      BJB
03/28/11 17:02 CC/CC WP-[REDACTED] 0834      BJB
03/28/11 17:02 TA/ 410      BJB
  
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DCN228 PLUMB, CARL H

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-----PAYMENTS-----				-----TRANSACTIONS-----			
--Date--	Amount	Code	Rate	--DATE--	TIME	AC/RC	-----COMMENT----- ID
				03/28/11	17:02	CC/CC	BJB
				RETURN BAR0041-[REDACTED]9883			
				03/28/11	17:02	CC/CC	RETURN CODE CD BJB
				03/28/11	17:02	TA/ CAD	BJB
				03/28/11	17:02	CS/83	BJB
				03/28/11	17:02	WN/WN	BJB
				RCVD CEASE AND DESIST			
				07/15/11	11:17	DI/TP	JES
				TP CALLED IN---SD SENDING LAW SUIT TO FRS ON BEHALF OF SAMUAL ADAMS... SD SHE WNTED OUR LAW SUIT CONTACT -- I ADVSIED SEND THE INFO AND WE WILL RECIEVE --ASKED WHO I WAS SPEAKING TO --SHE RFSED ---SD NOT AN ATTORNEY BUT HELPING A FRIEND --I ASKED WHO THE SUIT IS COMING FROM AND SHE SD THE STATE OF WASHINGTON ---I SD THE STATE ---SHE SD NO ---I ADVISED ALL CALLS RECORDED AND IF THIS IS A SUIT THEN IT IS CLEAR THAT SHE IS NOT ALLOWING US TO FIND OUT THE PROBLEM ---I THEN REVERSED THE NUMBER AND IT LISTED TO A GEORGIA PLUMB AND AN IMPORT BUISNESS ---SHE SD IS NOT GEARGIA PLUMB --I ADVISED SEND WHAT EVER IONFO SHE HAS OVER TO US.			
				07/15/11	11:20	DI/TP	JES
				CALLED BACK TO TELL ME THAT CANT RECORD CALLS ---I ADVISED THAT ONLY USED IF NEEDED AND ALSO SHE CALLED AND GAVE US NO INFO OTHER THAN A THREAT OF SUIT ---SHE H			
				07/21/11	10:38	TA/RA	BJB
				07/21/11	10:39	CS/25	BJB
				07/21/11	10:39	RL/GI	BJB
				RCVD PRIORITY MAIL COPY OF LAWSUIT AND OFFER TO SETTLE			
				07/21/11	10:39	MR/RA	BJB
				FRWD TO LEGAL FOR REVIE			
				08/11/11	10:26	RL/GI	BJB
				RCVD CERTIFIED COPY OF LAWSUIT - FRWD TO LEGAL FOR REVIE			

Date Printed: Aug 16, 2011